

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TAMI MUNRO, an individual,  
Plaintiff,

v.

CANDACE PRIEST, an individual, JULIA  
KEEGAN, an individual, CORRECT CARE  
SOLUTIONS, LLC, a corporation,  
WELLPATH, LLC, a corporation

Defendants.

No.

COMPLAINT FOR DAMAGES

**I. NATURE OF CASE**

1.1 Defendants subjected Plaintiff Tami Munro to primitive, inhumane conditions of confinement over the course of seven days in June 2017. Ms. Munro suffers from multiple sclerosis, and a related seizure disorder. Despite full knowledge of Ms. Munro's vulnerable physical state, Defendants deprived Ms. Munro of her prescription medications, triggering a medical crisis. In the midst of this crisis, Defendant Candace Priest, who was employed directly by Correct Care Solutions or Wellpath under contract with the Clallam County Jail, found evidence she believed suggested Ms. Munro had expressed suicidal ideations. Despite her repeated explanations that this was not the case, she sent her to the ironically-named "safe cell," which is actually a primitive form of solitary confinement. During her roughly forty-three hours in the safe cell, Ms. Munro had no mattress, no darkness at night, no contact with other detainees, no furniture of any kind, no sink, and no toilet. She was forced to urinate and defecate

COMPLAINT FOR DAMAGES - 1

No.

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1 in a hole in the ground with a metal grate over it. Jail staff forced her to remove her regular  
2 clothes and wear an ill-fitting smock that left her exposed to on-looking guards.

3 1.2 Defendants performed only a cursory mental health assessment and suicide  
4 screening during Ms. Munro's first two days in the safe cell. They also continued to ignore her  
5 pleas for access to medications, even after she suffered additional seizures. On one occasion, she  
6 informed a guard that she had suffered from a seizure, and the guard callously responded by  
7 asking what Ms. Munro expected her to do about it. The guard's response vividly illustrated the  
8 total indifference Defendants showed to Ms. Munro and her pressing medical needs. Defendants  
9 Priest and Keegan made one phone call each to an outside mental health evaluator. Finally, on  
10 her third day in the safe cell a trained professional evaluated Ms. Munro and quickly concluded  
11 she should not be there. Ms. Munro was released to the general population, though still without  
12 access to her medications for another three days before she was released from the Jail altogether.

13 1.3 Defendants' actions violated Ms. Munro's constitutional rights, and numerous  
14 state and federal laws. Defendants' reckless and outrageous actions and omissions caused Ms.  
15 Munro significant physical and emotional harm.

## 16 II. PARTIES

17 2.1 Plaintiff Tami Munro is an individual residing in Washington.

18 2.2 Defendant Candace Priest was, at all times material to the allegations contained  
19 herein, an employee of Defendant Correct Care Solutions or Wellpath assigned to perform  
20 nursing duties at the Clallam County Jail. At all times material, she acted under color of law.

21 2.3 Defendant Julia Keegan was, at all times material to the allegations contained  
22 herein, an employee of Defendant Correct Care Solutions or Wellpath assigned to perform  
23 nursing duties at the Clallam County Jail. At all times material, she acted under color of law.

24 2.4 Defendant Correct Care Solutions, LLC is a limited liability corporation  
25 incorporated in Tennessee that, at all times material to the allegations contained herein, did  
26 business in Clallam County, Washington. At all times material, it acted under color of law.

2.5 Defendant Wellpath, LLC, is a limited liability corporation incorporated in Tennessee that, at all times material to the allegations contained herein, did business in Clallam County, Washington, or is the successor corporation for all actions taken by Correct Care Solutions, LLC. At all times material, it acted under color of law. At times in this complaint, Correct Care Solutions and Wellpath are collectively referred to as “Correct Care” or “Correct Care Solutions.”

### III. JURISDICTION AND VENUE

3.1 This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

3.2 Venue is appropriate in the Western District of Washington pursuant to 28 U.S.C. § 1391 because at least some of the Defendants reside in this judicial district and because the events and omissions giving rise to the claims alleged herein occurred within the Western District of Washington.

### IV. FACTS

#### A. The County Denied Ms. Munro Prescription Medications.

4.1 Plaintiff was arrested on June 17, 2017, on suspicion of driving under the influence. She was transported to the Clallam County Jail (“the Jail”) where she was booked.

4.2 At the time of Ms. Munro’s detention at the Jail, Defendant Correct Care Solutions (also known as, or now known as, Wellpath) had a contract with Clallam County to provide medical services to individuals detained there.

4.3 Defendants Candace Priest and Julia Keegan worked for Correct Care Solutions (now known as Wellpath) in the Jail as Registered Nurses, effectively acting as members of the Jail’s staff. The term “jail staff” as used in this complaint includes Defendants Priest and Keegan.

4.4 Upon being booked into the Jail, Ms. Munro informed Jail staff that she suffers from Multiple Sclerosis (MS) and has frequent seizures as a result of her medical condition. Ms. Munro explained that when she did not take her prescribed medications, she was more susceptible to seizures.

1           4.5     Despite this warning, Jail staff denied Ms. Munro access to at least two of the  
2 medications prescribed to her by her doctor: Zanax and Oxycodone.

3           4.6     The County and Correct Care Solutions had no protocol in place for addressing a  
4 detainee's withdrawal from Zanax, despite the fact that withdrawal from Zanax is known to  
5 cause serious and even fatal medical conditions.

6           4.7     Jail staff also confiscated Ms. Munro's cane, which she needs to balance herself  
7 while walking. She was not permitted to use her cane at any point during her detention.

8           4.8     Jail staff did not afford Ms. Munro the opportunity to challenge the County's  
9 refusal to provide her access to her cane and prescribed medications.

10 **B.     Defendants Transferred Ms. Munro to a "Safe Cell" After She Suffered Two**  
11 **Seizures.**

12           4.9     Jail staff initially placed Ms. Munro in a group cell with bunk beds. At least two  
13 other individuals were detained there.

14           4.10    At about 5:00 p.m. on June 17, 2017, Ms. Munro had a seizure while in her cell.  
15 Her cellmates alerted Jail staff of Ms. Munro's medical crisis.

16           4.11    A jail sergeant instructed a Correct Care nurse to evaluate Ms. Munro.

17           4.12    That nurse then visited Ms. Munro in her cell and evaluated her at around 5:32  
18 p.m.

19           4.13    Ms. Munro told the nurse that she suffered frequent seizures, and that the seizures  
20 "remind me to take my meds."

21           4.14    Despite this explanation from Ms. Munro, Defendants did not give Ms. Munro the  
22 medications her doctor prescribed to her.

23           4.15    Instead, Ms. Munro was left in her cell with no additional treatment or  
24 precautions taken to address her seizures and MS.

25           4.16    Ms. Munro suffered another seizure at approximately 6:30 p.m. on June 19, 2017.

26           4.17    Defendant Candace Priest, RN, evaluated Ms. Munro at approximately 6:43 p.m.  
27 that day.

1           4.18   Priest found Ms. Munro bleeding inside her mouth as a result of biting the inside  
2 of her cheek during the seizure.

3           4.19   Ms. Munro reported that she was in extreme pain all over her body.

4           4.20   Priest then found a piece of paper on Ms. Munro's bed with a handwritten note  
5 that she interpreted as Ms. Munro's expression of suicidal ideation.

6           4.21   Ms. Munro denied having suicidal thoughts or plans.

7           4.22   Without doing any further mental health evaluation, Defendant Priest  
8 recommended that Ms. Munro be moved to the Jail's "safe cell" because of the note.

9           4.23   Per Priest's recommendation, Ms. Munro was removed from her group cell and  
10 placed in the "safe cell" on the evening of June 19, 2017.

11 **C.    The Defendants Subjected Ms. Munro to Inhumane Conditions of Confinement.**

12           4.24   Before Defendants and other jail staff transferred Ms. Munro to the safe cell, she  
13 was forced to remove all of her clothes.

14           4.25   Ms. Munro was issued a "safety smock" an itchy, ill-fitting piece of clothing that  
15 did not adequately cover her body.

16           4.26   She was not allowed to wear any other clothing while in the safe cell.

17           4.27   The safety smock exposed intimate parts of Ms. Munro's body.

18           4.28   Male guards looked in on Ms. Munro through a small window on the door of the  
19 safe cell and saw intimate parts of her body exposed.

20           4.29   The safe cell was significantly smaller than other cells in the Jail.

21           4.30   The safe cell contained no furniture, including no mattress.

22           4.31   The safe cell contained no toilet.

23           4.32   When Ms. Munro needed to use a toilet while in the safe cell, her only option was  
24 to urinate and defecate into a hole in the floor with a grate over it.

25           4.33   Jail staff provided only a few squares of toilet paper to Ms. Munro while she was  
26 in the safe cell.

27           4.34   The safe cell contained no sink.

1 4.35 Jail staff kept the lights on in the safe cell 24 hours per day.

2 4.36 Jail staff did not lower or dim the safe cell's lights in any way during the  
3 nighttime hours.

4 4.37 The floor and walls of the safe cell were padded, but the padding was hard.

5 4.38 Ms. Munro had nowhere to sleep other than the floor while she was in the safe  
6 cell.

7 4.39 Ms. Munro was alone in the safe cell.

8 4.40 Ms. Munro did not have contact with any other detainees while she was in the  
9 safe cell.

10 4.41 No medical personnel visited or evaluated Ms. Munro in the safe cell on June 19,  
11 2017.

12 4.42 Ms. Munro suffered two seizures while in the safe cell.

13 4.43 Ms. Munro suffered bruising as a result of the seizures.

14 4.44 After one of the seizures she suffered while in the safe cell, Ms. Munro informed  
15 the next guard she saw that she had suffered a seizure. The female guard responded by asking  
16 what Ms. Munro expected her to do about it.

17 4.45 Ms. Munro asked the guard to get a nurse to check on her, but no nurse visited  
18 Ms. Munro in response to her request for medical attention.

19 4.46 On June 20, 2017, Defendant Julie Keegan, RN, visited Ms. Munro in the safe  
20 cell in order to complete an "Intake Mental Health Assessment."

21 4.47 According to the form, Defendant Nurse Keegan completed the "Intake"  
22 assessment at 1:07 p.m. on June 20, 2017.

23 4.48 Keegan filled out several boxes under a section called "Suicide Potential  
24 Screening." She did not indicate anything on the section called "Summary," nor one called  
25 "Disposition." Keegan thus provided no diagnosis or plan of action.  
26  
27

4           4.50   Keegan did not provide Ms. Munro with her prescribed medications, despite Ms.  
5   Munro's request that she do so.

7 4.52 No other medical personnel visited Ms. Munro on June 20, 2017.

11           4.54    Ms. Munro again denied any suicidal ideation, and Mr. McIntyre concluded she  
12    did not meet the criteria for continued detention in the safe cell. He recommended that Jail staff  
13    release her from the safe cell.

17 4.56 Ms. Munro was released from the Jail on June 24, 2017.

19           5.1     Violations of the Eight Amendment: The facts described above constitute  
20 violations of rights guaranteed to Ms. Munro by the Eighth Amendment to the United States  
21 Constitution prohibiting cruel and unusual punishment. These violations (as well as other  
22 Constitutional violations alleged below) are actionable under 42 U.S.C. § 1983 because the  
23 individual Defendants acted under color of state law. Specifically, Defendants Candace Priest  
24 and Julia Keegan acted under color of state law by so closely collaborating with state actors in  
25 the treatment and detention of Ms. Munro, and performing that traditional public function  
26 (medical care for inmates) as to make their actions indistinguishable from the state's, and by

1 serving the public function of providing medical treatment to pretrial detainees confined under  
2 the authority of the state law.

3       5.2    Substantive Due Process: The facts described above constitute violations of Ms.  
4 Munro's Substantive Due Process rights under the Fourteenth Amendment by all of the  
5 Defendants. Defendants Correct Care Solutions/Wellpath, Candace Priest and Julia Keegan  
6 were deliberately indifferent to Ms. Munro's medical needs. The decisions by Defendants  
7 Correct Care Solutions/Wellpath, Candace Priest, and Julia Keegan to place and then keep Ms.  
8 Munro in a safe cell were deliberately indifferent to Ms. Munro's needs. Defendant Correct Care  
9 Solutions/Wellpath is liable under *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978),  
10 because the actions taken against Ms. Munro with respect to the withholding of her prescription  
11 medications, and her placement in a safe cell that is not adequately designed to meet a pretrial  
12 detainee's basic needs were taken pursuant to company policies, patterns, and practices.

13       5.3    Procedural Due Process: The facts described above constitute violations of Ms.  
14 Munro's Procedural Due Process rights under the Fourteenth Amendment by Defendants.  
15 Defendants deprived Ms. Munro of her property, including her prescribed medications and her  
16 cane, without providing her any due process. Defendants also deprived Ms. Munro of her liberty  
17 by placing and keeping her in the safe cell without providing any due process until a third party  
18 assessed the propriety of her confinement in the safe cell.

19       5.4    Americans with Disabilities Act/Washington Law Against Discrimination: The  
20 facts described above constitute violations of Ms. Munro's rights under Title II of the Americans  
21 with Disabilities Act, 42 U.S. Code § 12131 *et seq.*, and the Washington Law Against  
22 Discrimination, RCW 49.60 *et seq.* Defendants discriminated against Ms. Munro because of her  
23 disability by denying her full access to the Jail facilities through deprivation of her prescription  
24 medications and cane, and confining her in the safe cell due to behaviors related to her disability.

25       5.5    Medical Malpractice: The facts described above constitute medical malpractice,  
26 giving rise to a claim against Defendants Correct Care Solutions, Candace Priest, and Julia  
27



1 Keegan, under RCW 7.70 *et seq.* Defendants' medical treatment of Ms. Munro fell below the  
 2 standard of care applicable to providers of medicine in the State of Washington.

3 5.6 Outrage: By the facts described above, Defendants committed the tort of outrage  
 4 against Ms. Munro. Defendants' actions in depriving Ms. Munro of her medications, ignoring  
 5 her medical needs, and placing her in inhumane conditions of confinement were extreme and  
 6 outrageous, and intentionally or recklessly inflicted emotional harm on Ms. Munro.

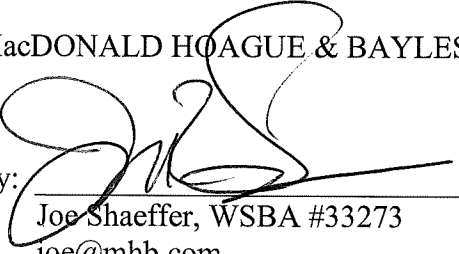
## 7 VI. REQUEST FOR RELIEF

8 WHEREFORE Plaintiff requests relief as follows:

- 9 6.1 General and special damages, in an amount to be proven at trial;  
 10 6.2 Declaratory and injunctive relief;  
 11 6.3 Punitive damages as available under federal law;  
 12 6.4 Reasonable attorney's fees and costs of litigation;  
 13 6.5 The right to conform the pleadings to the evidence presented at trial;  
 14 6.6 Post-judgment interest on any amounts recovered from the time of the judgment  
 15 to the time of satisfaction of judgment; and  
 16 6.7 Such other and further relief as the Court deems just and equitable.

17 DATED this 17th day of June, 2020.

18 MacDONALD HOAGUE & BAYLESS

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 20  
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